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TO RUEHC/SECSTATE WASHDC PRIORITY 5583
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RUEHGB/AMEMBASSY BAGHDAD 0141
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RUEHOS/AMCONSUL LAGOS 1013
RHMFISS/HQ USAFRICOM STUTTGART GE
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SUBJECT: NIGERIA: PRESS DEBATES INEC CHAIRMAN'S TENURE

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

¶1. (SBU) On March 23, Nigerian press quoted Lagos lawyer Femi Falana as alleging that Independent National Electoral Commission (INEC) Chairman Maurice Iwu's tenure expired in August 2008. Falana based his allegation on the fact that Iwu was appointed as a member of the Commission in August 2003, representing Imo State. (Note: Appointments to INEC are made for a five year term.) Later on March 23, however, the Chairman of the Senate Committee on INEC Isiaka Adeleke contradicted this view. He pointed out that, while Iwu was appointed a member of INEC in August 2003, he was later, in June 2005, given a new appointment as INEC Chairman, was again confirmed by the Senate, and sworn in on June 13, 2005.

According to Adeleke, this restarted the clock and Iwu's tenure will expire only in June 2010.

¶2. (SBU) According to March 24 press reports, President Yar'Adua has referred the question of the dates for Iwu's tenure to the Attorney General for his legal advice.

¶3. (C) Comment: While the press and the lawyers may argue over when Iwu's five year tenure actually started, we question the relevance of the argument. If the GON wanted to remove Iwu, there would be no shortage of legitimate ways to do so. End comment.

SANDERS